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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd April, 1993/Chaitra 13, 1915 (Saka)

The following President's Act is published for general information:—

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION COMMISSION (AMENDMENT) ACT, 1993

No. 4 OF 1993

Enacted by the President in the Forty-fourth Year of the Republic of India.

An Act further to amend the Uttar Pradesh Subordinate Services Selection Commission Act, 1988.

8 of 1993. In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993, the President is pleased to enact as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Act, 1993.

(*2*) It shall be deemed to have come into force on the 16th day of January, 1993.

Amendment of section 6 of U.P. Act 7 of 1988.

2. In section 6 of the Uttar Pradesh Subordinate Services Selection Commission Act, 1988 (hereinafter referred to as the principal Act), for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Commission shall consist of a Chairman and such other members not exceeding five as the State Government may from time to time appoint from amongst its officers and the officers of a corporation wholly owned or controlled by the State Government who have, for at least ten years, held a post or posts under the Central or State Government or such corporations not below the rank of Group 'A' posts of the State Government.".

Omission of sections 8 and 9.

3. Sections 8 and 9 of the principal Act shall be omitted.

Substitution of new section for section 10.

4. For section 10 of the principal Act, the following section shall be substituted, namely:—

Application of F. R. 56 to members.

"10. (*1*) The provisions of rule 56 of the Uttar Pradesh Fundamental Rules shall apply and continue to apply to every member of the Commission as they apply to any other Government servant of the same grade, rank or cadre.

(*2*) Notwithstanding anything contained to sub-section (*1*), a person who has retired on attaining the age of superannuation from Government service or the service of a Corporation wholly owned or controlled by the State Government, may be re-employed and appointed as a member, if he is otherwise eligible for such appointment under sub-section (*1*) of section 6 for such period as may be specified in the appointment order, so however, that he shall not hold the office beyond the date of his attaining the age of sixty-two years.

(*3*) Any person holding the office of a member on August 30, 1991 who had passed the date of retirement provided in rule 56 of the Uttar Pradesh Fundamental Rules before August 30, 1991 shall be deemed to have been re-employed and appointed under sub-section (*2*).".

Repeal and saving.

5. (*1*) The Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1993 is hereby repealed. Ord. 13 of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

SHANKER DAYAL SHARMA,
President.

B. R. ATRE,
Joint Secy. to the Govt. of India.

Reasons for the enactment

By the Uttar Pradesh Subordinate Services Selection Board Act, 1988, the Uttar Pradesh Subordinate Services Selection Board was set up to make selections for subordinate services under the Government of Uttar Pradesh. The Board had a corporate entity separate from the Government. Subsequently, *vide* the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Act, 1990, the provisions of the principal Act were amended whereby the Board was redesignated as Commission and the Commission was converted into a Department of the Government. However, certain amendments to the principal Act which had become necessary due to the change in the above status of the Board could not be carried out simultaneously and therefore, were effected later through the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1991 promulgated by the Governor on the 30th August, 1991. By this Ordinance, the provisions of the principal Act relating to appointment of non-official persons as Members of the Commission, removal of any Member of the Commission, investigation by a sitting Judge of High Court for such removal, and non-eligibility of a Chairman or Members on ceasing to hold office, to posts under the Government of Uttar Pradesh were omitted. A provision was also made for application of FR 56 of the Uttar Pradesh Fundamental Rules dealing with the age of retirement of Government servants to the Members of the Commission while empowering the State Government to re-employ retired officials as Chairman/Members up to the age of 62 years. This amendment was to make, normal governmental rules and regulations relating to service conditions applicable to Chairman and Members of the Commission since it had become a Department of the Government.

2. Since this Ordinance could not be replaced by a Bill, the amendments made *vide* this Ordinance were continued by promulgating successive Uttar Pradesh Ordinances on the 10th March, 1992, the 18th May, 1992 and the 29th November, 1992 and by the promulgation of the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1993 (Ord. 13 of 1993) by the President on the 16th January, 1993.

3. Parliament has, under article 357(1)(a) of the Constitution, conferred on the President the power of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993.

4. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993, the President shall, before enacting the President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As it is necessary to replace the Uttar Pradesh Subordinate Services Selection Commission (Amendment) Ordinance, 1993 (Ord. 13 of 1993) by a President's Act before the 4th April, 1993 and the said Committee has not so

far being constituted and the time left for reference to the Committee is very short, it is proposed to enact the measure without reference to the Committee.

N. R. RANGANATHAN,
Secy. to the Govt. of India,
Ministry of Personnel, Public Grievances and Pensions.

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